

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAUL JONES,

Plaintiff

Case No. 2:20-cv-01450-RFB-NJK

ORDER

v.

STATE OF NEVADA, *et al.*,

Defendants

I. DISCUSSION

On August 5, 2020, Plaintiff, an inmate in the custody of the Clark County Detention Center (“CCDC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. Docket Nos. 1-1, 1. Plaintiff’s complaint and Plaintiff’s application to proceed *in forma pauperis* are both incomplete.

Plaintiff's Complaint

Upon review, the Court notes that Plaintiff did not sign the complaint. Docket No. 1-1 at 9. Under Rule 11 of the Federal Rules of Civil Procedure, a plaintiff who is not represented by counsel is required to sign his complaint. Fed. R. Civ. P. 11(a). Because Plaintiff did not sign the complaint, the Court cannot consider it.

As such, the Court grants Plaintiff a **one-time extension** to submit a signed amended complaint to the Court on or before **October 6, 2020**. If Plaintiff chooses to file an amended complaint, he is advised that an amended complaint supersedes (replaces) the original complaint and, thus, the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989). Therefore, a mere signature page will not be sufficient. Plaintiff should file the amended complaint on this Court’s approved prisoner civil rights form, and it must be entitled “First Amended Complaint.”

Plaintiff's Application to Proceed in Forma Pauperis

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3);

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form); and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

Plaintiff has not filed a fully signed financial certificate or an inmate account statement with this application to proceed in forma pauperis. Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis*, Docket No. 1, without prejudice because the application is incomplete.

The Court will grant Plaintiff a **one-time extension** until on or before **October 6, 2020**, to either file a fully complete application to proceed *in forma pauperis* containing all three of the required documents or pay the full \$400 filing fee. Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff does not either file a fully complete application to proceed *in forma pauperis* with all three required documents or pay the full \$400 filing fee on or before **October 6, 2020**, the Court will dismiss this case without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to either acquire all three of the documents needed to file a fully complete application to proceed *in forma pauperis* or pays the full \$400 filing fee.

A dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to submit with the application to proceed *in forma pauperis*. Plaintiff may also choose not to file an application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or before

1 **October 6, 2020** to proceed with this case.

2 **II. CONCLUSION**

3 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court shall send to
4 Plaintiff the approved form for filing a § 1983 complaint, instructions for the same, and a copy of
5 his original complaint. Docket No. 1-1. If Plaintiff files an amended complaint, he should use the
6 Court's approved form and he must write the words "First Amended" above the words "Civil
7 Rights Complaint" in the caption.

8 IT IS FURTHER ORDERED that, if Plaintiff chooses to file a signed amended complaint,
9 Plaintiff will file the signed amended complaint to this Court on or before **October 6, 2020**.

10 IT IS FURTHER ORDERED that, if Plaintiff does not file a signed amended complaint on
11 or before **October 6, 2020**, the Court will dismiss this action without prejudice for Plaintiff to
12 refile the case with the Court, under a new case number, when Plaintiff is able to file a signed
13 amended complaint.

14 IT IS FURTHER ORDERED that Plaintiff's application to proceed *in forma pauperis*,
15 Docket No. 1, is denied without prejudice to either file a new and fully complete application to
16 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee.

17 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved
18 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
19 information and instructions for filing an *in forma pauperis* application.

20 IT IS FURTHER ORDERED that, on or before **October 6, 2020**, Plaintiff will either pay
21 the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
22 administrative fee) or file with the Court:

23 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
24 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
25 3);

26 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
27 (i.e. page 4 of this Court's approved form); and

28 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**

1 **six-month period.** If Plaintiff has not been at the facility a full six-month period, Plaintiff must
2 still submit an inmate account statement for the dates he has been present at the facility.

3 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
4 proceed *in forma pauperis* with all three documents, or pay the full \$400 filing fee for a civil action
5 on or before **October 6, 2020**, the Court will dismiss this action without prejudice for Plaintiff to
6 refile the case with the Court, under a new case number, when Plaintiff either has all three
7 documents needed to file a complete application to proceed *in forma pauperis* or pays the full \$400
8 filing fee.

9 IT IS SO ORDERED.

10 DATED: August 7, 2020.

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13 NANCY J. KOPPE
14 UNITED STATES MAGISTRATE JUDGE
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